

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF PENNSYLVANIA

* * * * *

B.L., a minor, *
by and through her *
father, LAWRENCE *
LEVY and her *
mother BETTY LOU *
LEVY, *

Plaintiffs * Case No.

vs. * 3:17-CV-1734

MAHANoy AREA *
SCHOOL DISTRICT, *
Defendant *

* * * * *

DEPOSITION OF

B.L.

November 21, 2018

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the certifying agency.

EXHIBIT

D - 18

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1 ---

2 (Whereupon, Defendant's
3 Exhibit 14, 2018
4 Student Handbook, pages
5 61-62, was marked for
6 identification.)

7 ---

8 BY ATTORNEY LEVIN:

9 Q. And do you see on the top of
10 the --- let me repeat my description.

11 This is two pages from this
12 year's handbook. It's not the whole
13 handbook, and the two pages that are
14 copies are pages 61 and 62 of the
15 handbook. Did you get the handbook
16 again this school year?

17 A. Yes.

18 Q. And do you see that there in
19 paragraph 8 is a paragraph dealing
20 with personal conduct?

21 A. Yes.

22 Q. Okay.

23 And you understood when you got
24 the handbook that students were
25 required to comply with the rules

1 contained in the handbooks.

2 Right?

3 A. Yes.

4 Q. Okay.

5 Did you ever object to the
6 rules contained in the handbook other
7 than filing this litigation?

8 ATTORNEY HELPER:

9 I'll object to form, but
10 you can answer.

11 THE WITNESS:

12 No.

13 BY ATTORNEY LEVIN:

14 Q. Okay.

15 Did you ever ask anybody for
16 any clarification as to what the rules
17 meant?

18 ATTORNEY HELPER:

19 I'm going to object to
20 form again. You can answer.

21 THE WITNESS:

22 No.

23 BY ATTORNEY LEVIN:

24 Q. Did you ever speak out against
25 any of the rules in the handbook,

1 either last year or this year?

2 ATTORNEY HELPER:

3 I'm going to object to
4 form again. You can answer.

5 THE WITNESS:

6 No.

7 BY ATTORNEY LEVIN:

8 Q. Please take a look at Exhibit
9 D-3 that's behind tab three. Can we
10 agree that these are the cheerleading
11 rules that were given to the
12 cheerleaders last school year?

13 A. Yes.

14 Q. And were similar rules given to
15 the cheerleaders this year?

16 A. I don't remember.

17 Q. Okay.

18 And did you object to anybody
19 when you got these rules about
20 anything in the rules?

21 A. No.

22 Q. Did you indicate to anybody
23 that you didn't understand what the
24 rules said?

25 A. No.

1 Q. Did you file any complaints
2 with anybody in the school district
3 about the rules?

4 A. No.

5 ATTORNEY HELPER:

6 I'm going to object to
7 form, but you can answer.

8 BY ATTORNEY LEVIN:

9 Q. Please take a look at Exhibit
10 D-18 --- or excuse me, D-12, I'm
11 sorry.

12 A. Okay.

13 Q. Okay.

14 Do you recognize that as a
15 permission form that you and your
16 parents signed at the beginning of
17 this school year?

18 A. Yes.

19 Q. Okay.

20 And you remember that your
21 parents initialed it where we have the
22 redactions?

23 A. Yes.

24 Q. Okay.

25 Did you question anybody about

13

1 the meaning of anything that's stated
2 on this permission form?

3 A. No.

4 Q. Can we agree that cheerleading
5 is a team activity?

6 ATTORNEY HELPER:

7 I'm going to object as
8 asked and answered.

9 THE WITNESS:

10 Yes.

11 BY ATTORNEY LEVIN:

12 Q. And can we agree that your
13 decision to participate on
14 cheerleading is totally voluntary on
15 your part?

16 A. Yes.

17 ATTORNEY HELPER:

18 I'll object to form, you
19 can answer.

20 BY ATTORNEY LEVIN:

21 Q. There are no requirements for
22 you to participate in any
23 extracurricular activities in order to
24 graduate, are there?

25 ATTORNEY HELPER:

1 Object to form, you can
2 answer.

3 THE WITNESS:

4 No.

5 BY ATTORNEY LEVIN:

6 Q. And no one forced you or made
7 you join cheerleading.

8 Is that correct?

9 A. Yes.

10 Q. Where were you when you signed
11 the permission form?

12 A. I'm not sure, probably at my
13 house.

14 Q. And was anybody from the school
15 district with you when you signed the
16 permission form?

17 A. No.

18 Q. Were your parents with you when
19 you signed the permission form?

20 A. I'd assume.

21 Q. Did anybody at the school
22 district force you to sign the
23 permission form?

24 A. No.

25 Q. Can we agree that the school

1 good enough?

2 A. Yes.

3 Q. Do you think it's fair to keep
4 someone off of an extracurricular
5 activity if they're struggling in
6 school with their grades?

7 ATTORNEY HELPER:

8 I'd object to the form.

9 It's calling for an opinion.

10 You can answer.

11 THE WITNESS:

12 Yes.

13 BY ATTORNEY LEVIN:

14 Q. Do you think a school district
15 should have any right as to how it
16 allows students which --- to wear
17 uniforms that the school buys and pays
18 for?

19 ATTORNEY HELPER:

20 Object to the form.

21 THE WITNESS:

22 Yes.

23 BY ATTORNEY LEVIN:

24 Q. Do you think that teaching
25 students that there are consequences

1 for crude and profane communications
2 on social media is a proper role for
3 school districts?

4 ATTORNEY HELPER:

5 I'm going to object to
6 the form.

7 THE WITNESS:

8 I guess.

9 BY ATTORNEY LEVIN:

10 Q. Which takes more time, the
11 cheerleading or the cross country, do
12 you know? What's your best estimate?

13 A. I'm not ---.

14 ATTORNEY HELPER:

15 I'm going to object.
16 Are you asking in terms of her
17 time or ---?

18 ATTORNEY LEVIN:

19 Oh, yeah, in terms
20 of ---.

21 THE WITNESS:

22 Cheer probably was.

23 BY ATTORNEY LEVIN:

24 Q. Okay.

25 Is it close, do you think?

1 A. Yes.

2 Q. And you were in attendance at
3 the preliminary injunction hearing in
4 this case on October 2, 2017.

5 Is that correct?

6 A. Yes.

7 Q. You heard Ms. Luchetta testify
8 at that hearing.

9 Is that correct?

10 A. Yes.

11 Q. Ms. Luchetta testified that the
12 main purpose of the rules is not only
13 to teach students that they have to
14 follow the rules, and if they don't
15 follow the rules, there's
16 consequences. But in addition, that
17 the school wants to teach them team
18 building skills.

19 Do you remember her testimony
20 about that?

21 ATTORNEY HELPER:

22 Object to form.

23 THE WITNESS:

24 I don't remember.

25 BY ATTORNEY LEVIN:

1 Q. Do you have any evidence to the
2 contrary, to contradict her testimony
3 as I've just summarized it for you?

4 A. I guess not.

5 Q. Please take a look at Exhibit
6 D-13. Can we agree that that's a
7 permission form that your parents and
8 your sister signed this year?

9 A. I don't --- my sister?

10 Q. You have a sister or a brother.
11 I forget what you told me.

12 A. I have a brother.

13 Q. Okay.

14 Didn't your brother sign this
15 form?

16 A. I guess.

17 ATTORNEY HELPER:

18 Object to form.

19 BY ATTORNEY LEVIN:

20 Q. This indicates that the
21 homeroom teacher is Gettig.

22 Do you see that?

23 A. Yes.

24 Q. Is that your understanding
25 that's your brother's homeroom